

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Transport and Main Roads
Name of the proposal	Amendment of section 81 of the <i>Transport Operations (Passenger Transport) Regulation 2018</i> (TOPTR) clarification of 'refuse service'.
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Transport Operations (Passenger Transport) Regulation 2018</i>
Date of issue	September 2025

What is the nature, size and scope of the problem? What are the objectives of government action?

Section 81 of TOPTR is a longstanding provision regulating taxi refusals of services and driver behaviour in regard to trip acceptance that has existed in previous iterations of *Transport Operations (Passenger Transport) Regulation*.

A driver of a taxi must not refuse to provide (a) a taxi service (i.e. hailed down service or a journey commencing from a taxi rank) to any person or (b) a pre booked trip to a person using a wheelchair or a member of the Taxi Subsidy Scheme (TSS).

Currently there is a lack of clarity around whether a driver cancelling a booking they have previously accepted constitutes a refusal of service under the current section 81 of TOPTR. This lack of clarity is leading to Department of Transport and Main Roads' (TMR) Transport Inspectors facing challenges in effectively enforcing this provision for taxi drivers who fail to provide booked hire and taxi services.

The objective of this change is to clarify that a taxi driver is prohibited from failing to complete a booking they have accepted unless for the following reasons:

(a) the service is for a journey that—

- (i) starts in a taxi service area other than the taxi service area for the taxi; or
- (ii) ends somewhere other than in the taxi service area for the taxi; or
- (iii) when taking the shortest route for the journey that can reasonably be taken, ends more than 40km from the pick-up point for the journey; or

(b) the driver has a reasonable excuse.

This will enhance TMR's ability to enforce the intent of the provision.

Under this section examples of a reasonable excuse may be: mechanical issues with the vehicle, the driver has safety concerns, or a medical emergency. A fare not being considered high enough or preference for another fare is not considered a reasonable excuse.

Industry and customers are widely aware that refusal of a booked hire service provided in a taxi to a prescribed person is already an existing offence. This is reinforced by both industry newsletters created and distributed by TMR and by the taxi industry's internal communications and training. Additionally, taxi drivers are incentivised with a \$25 lift fee paid by TMR to drivers who perform a trip for a wheelchair using passenger who is a member of the TSS.

What options were considered?

The following options have been considered:

Option 1: Amendment of section 81 of TOPTR to more clearly define a refusal of service

Option 2: Maintain the status quo

What are the impacts?

Pursuing either option 1 or 2 would result in no change to any existing process or reporting as Transport Inspectors are currently tasked with investigating refusals of service, meaning there would be no additional duties assigned to them. The reasons for which a taxi driver may refuse to provide a service remain as they currently are, and financial incentives paid by TMR to drivers who complete trips for wheelchair using members of the TSS remain unchanged.

For the taxi industry, clarifying the intent of the provision will have very little impact as it is already widely understood that taxi drivers are expected to prioritise bookings for TSS passengers and passenger travelling in a wheelchair. However, for a minority of drivers who may be taking advantage of the current ambiguity, there will be a perceived impact. This is arguably a clarification of their existing obligations rather than a new requirement. Any impact is mitigated by the \$25 lift payment from the Queensland Government, which is designed as an incentive for drivers to deliver wheelchair accessible services and to offset any costs to the driver for these trips. As a result, the impact on drivers is not expected to be significant.

For customers, there will be greater clarity about their rights in relation to accessing a taxi service. The increased ability to take enforcement action in relation to drivers cancelling trips they have previously accepted will address one of the factors that contributes to poor service levels for passengers who travel in a wheelchair.

Maintaining the status quo (option 2) would continue the current lack of clarity around obligations for service. Therefore option 2 is not supported.

Who was consulted?

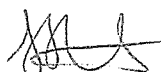
TMR chairs the Accessible Taxi Services Working Group whose membership is comprised of the Taxi Council of Queensland, 13Cabs, Black and White Cabs, Hervey Bay Taxis, and a variety of disability advocacy groups such as Queenslanders with Disability Network and Vision Australia. The proposal to clarify the meaning of 'refuse' has been raised in this forum and is supported by both the taxi industry and the disability sector.

What is the recommended option and why?

Option 1, amendment of section 81 of TOPTR to more clearly define a 'refusal of service' is the most appropriate way to provide clarity to Transport Inspectors, the taxi industry and taxi passengers in respect of the obligations of taxi drivers. Providing this legislative clarity will assist Transport Inspectors and TMR's Prosecution Services unit in investigating and prosecuting instances of non-compliance by taxi operators and providers, resulting in improved services being provided to vulnerable customers. This does not remove current arrangements regarding the legalities of refusing a fare, and the existing reasons for which a taxi driver may refuse a fare remain in place.

Impact assessment

	First full year	First 3 years**
Direct costs – <i>Compliance costs*</i>	Not significant	Not significant
Direct costs – <i>Government costs</i>	0	0

Signed

Sally Stannard
Director-General
Department of Transport and Main Roads

Date: 18/5/ 2025



Brent Mickelberg MP
Minister for Transport and Main Roads

Date: 22/9/ 2025